

TOWN OF WINDERMERE

Development Review Board Meeting Minutes

September 19, 2023

Present were Chair Frank Chase, Board Members Norma Sutton, Stephen Withers, and Peter Fleck. Town Council Liaison Andy Williams, Town Planner Amanda Warner, and Town Clerk Dorothy Burkhalter were present. Town Manager Smith, Member Gregg Anderson and Member Jennifer Roper were absent.

Chair Chase called the meeting to order at 6:30pm. He then led everyone in the Pledge of Allegiance.

1. OPEN FORUM/PUBLIC COMMENTS:

Chair Chase opened the floor to the public. There were no public speakers.

2. NEW BUSINESS:

a. **Minutes:**

i. **June 20, 2023, Meeting Minutes**

Chair Chase introduced this item. Member Sutton questioned the presence or absence of Member Roper and the vote. Clerk Burkhalter stated she would verify and report back at the next meeting. She then stated that Member Roper was present. Member Withers made a motion to approve the minutes with corrections. Member Sutton seconded the motion. All were in favor.

b. **Membership**

i. **Roger Heinz Resignation**

Chair Chase advised that Mr. Roger Heinz has resigned from the Board. Another member will be needed.

c. **General Items for Consideration**

i. **Z23-09 – Ryka, LLC – Eric Powell – 212 W 1st Avenue – Variance to allow Expansion of a Non-Conforming Side Setback**

Chair Chase turned the floor over to Wade Trim Assistant Planner Ms. Amanda Warner. Ms. Warner presented case number Z23-09. She explained that the variance request was to allow a second story to an existing non-conforming east side set back. Ms. Warner explained that the side setback is the only variance request. She then stated that nine responses were received, with four in support and five stating disapproval. Member Sutton questioned if the terminology of the non-conforming meant that that addition would also be non-conforming. Ms. Warner stated “yes.” Some discussion was made regarding side setbacks. Owner, Mr. Eric Powell, introduced himself. Member Withers questioned the materials (wood/concrete) of the flooring in the crawl space underneath the home to the ground. The architect for the owner stated that the material was raised wood. Member Withers questioned why the safest part of the home (concrete walls) was being demolished. Mr. Powell commented that it was due to the total square

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footage and the FAR of the house. Member Withers explained that this could be reconfigured, and that no variance would be needed. Mr. Powell explained the proposed plans. Discussion followed. Member Withers then questioned the hardship. Mr. Powell stated that the shared access/easement is an issue. He explained that if they had an emergency, or for emergency vehicles to access the home, it would be difficult since neighbors are always parking in the access road. Mr. Powell further explained that the easement was always blocked by the other homeowners. Member Fleck commented on the septic system and what would be needed. Mr. Powell stated that the septic system would be as sufficient as possible. Member Sutton requested a clarification of the “no” responses. Ms. Warner reviewed the comments expressing disapproval of the request. Member Sutton stated that she is torn on this request, as it will look good, but where is the hardship? Mr. Powell stated that the access easement would go away, and they would have a dedicated private driveway. Discussion was made regarding the potential hardship, access, septic, existing floor location and proposed changes. Member Sutton made a motion to recommend approval for the variance. Motion died for lack of a second. Member Fleck made a motion to recommend approval of the variance request, which is to eliminate the easement and include a high-performance septic system. Member Withers seconded the motion. Roll call vote was as follows: Sutton – aye, Withers – aye, Chase – nay, and Fleck – aye. Motion carried 3-1. Clerk Burkhalter advised that this is a recommending Board only. The Town Council will have the final vote at their meeting October 10, 2023, at 6:00pm in the Town Hall.

4. ADJOURN:

Member Withers made a motion to adjourn. Member Fleck seconded the motion. All were in favor.

The meeting adjourned at 7:04pm.



Dorothy Burkhalter, Town Clerk



Frank Chase, Chair

Dorothy Burkhalter

From: Roger Heinz
Sent: Wednesday, June 21, 2023 5:38 PM
To: Dorothy Burkhalter
Cc: susan@theheinzgrp.com
Subject: Resignation from DRB

Dorothy,

After much thought and consideration, I regret to inform you that I must resign from the DRB. I have enjoyed my time on the Board but I am moving into a phase of life with my wife and children (sports, after school activities, etc) that requires more of my time.

Thank You,

Roger Heinz

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